



**VORYS**

Vorys, Sater, Seymour and Pease LLP  
Legal Counsel

June 28, 2024

The Honorable Margo K. Brodie  
Chief Judge, United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: 5-MD-1720, *In re Payment Card Interchange Fee and Merchant Discount Litig.*  
and Case No. 13-cv-05745, *Target Corp. et al. v. Visa, Inc. et al.*, in the Eastern  
District of New York.

Dear Chief Judge Brodie:

On June 28, 2024, Defendants gave notice that they are not waiving their rights to seek remand and in fact they “respectfully submit that the Court issue a suggestion of remand for both actions back to the transferor court, the United States District Court for the Southern District of New York ....” (ECF 9336.)

Accordingly, pursuant to 28 U.S.C. § 1407 and Rule 10.3 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, the plaintiffs in *Target Corporation et al. v. Visa Inc., et al.* (hereinafter the “Target Plaintiffs”) request that the Court now issue a suggestion of remand of this action to the United States District Court for the Southern District of New York.

As discussed in the Target Plaintiffs’ Supplemental Authorities Letter, ECF 9331, we ask that the Court include in its suggestion of remand either: (a) an invitation to the Southern District of New York to transfer the case back to this Court for trial under 28 U.S.C. §1404 in the interests of justice<sup>1</sup> or (b) a suggestion that the Second Circuit consider an intra-circuit assignment of Your Honor to sit in the Southern District under 28 U.S.C. §292(b).

Accordingly, the *Target* Plaintiffs submit that remand is now appropriate, and they request that a suggestion of remand issue forthwith with an invitation to the Southern District of New York

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<sup>1</sup> See, e.g., *Kenwin Shops, Inc. v. Bank of La.*, 1999 WL 294800 at \*1 (S.D.N.Y. 1999) (“interests of justice” served by a §1404 transfer back to MDL forum for trial because of its familiarity with the action and because trial could happen there more quickly than in the court of origin) and Manual for Complex Litig. (Fourth) §20.132 & n. 671 citing *Kenwin* and *In re Air Crash at Dubrovnik, Croatia on Apr. 3, 1996*, MDL 1180.

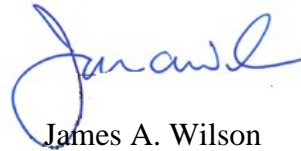
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to transfer the case back to this Court for trial or a suggestion that the Second Circuit consider an intra-circuit assignment of Your Honor to sit in the Southern District.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathy M. Patrick". The signature is fluid and cursive, with the first name "Kathy" being more prominent.

Kathy M. Patrick

A handwritten signature in blue ink, appearing to read "James A. Wilson". The signature is fluid and cursive, with the first name "James" being more prominent.

James A. Wilson